



# UNITED STATES PATENT AND TRADEMARK OFFICE

mr./  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249	2989
5514	7590	11/02/2006	[REDACTED]	EXAMINER
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PENG, FRED H	
			[REDACTED]	ART UNIT
				PAPER NUMBER
			2623	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/087,817	MIZUTOME ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	fred peng	2623

*- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 34 defines a storing medium which stores a program to carry out the method mentioned in any one of claims 22 to 33 by using a computer. This appears to be a computer related invention having functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized").

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-8, 13-15, 16-18, 21-23, 26-28, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (US 5,758,259).

Regarding Claims 1 and 22, Lawler discloses a receiving apparatus (FIG.2 20) and corresponding methods for receiving television broadcasting signals comprising:

A manipulating unit (FIG.4, 89) for instructing operation of the receiving apparatus;

Profile processing means (Col 2 lines 10-11, 15-19) for updating contents of an internal user profile based on a manipulating history of said manipulating unit;

External interface means (FIG.2, 62c) for inputting an external user profile from outside of said receiving apparatus (FIG.3B, National Preference is the external user profile);

Selection means (FIG.4 89, FIG.3B 80, Col 4 lines 50-53) for selectively outputting the internal user profile processed by said profile processing means and the external user profile input from said external interface means; and

Searching means (FIG.2 66) for searching a program among the television broadcasting signals and processing information based on the internal user profile or the external user profile, output from said selection means (Col 4 lines 50-53. Indicates listing titles according to the related profile).

Regarding Claim 2, Lawler further discloses an apparatus comprising:

Picture screen generating means (FIG.2, 72, 74) for generating a guidance picture screen according to a search result of said searching means (Col 4 lines 27-31, Col 5 lines 8-16); and

Display control means (FIG.2, 72, 74) for outputting an image data representing the guidance picture screen generated by said picture screen generating means to a display apparatus (Col 4 lines 27-33, Col 5 lines 11-16).

Regarding Claims 3 and 23, Lawler further discloses searching means and corresponding method includes:

Storing means (FIG.2, 66 68) for storing the internal user profile and the external user profile output from said selection means; and control means (FIG.2 66 68) for controlling to write or read out the internal user profile and the external user profile to/from said storing means (when the

user selects the internal user profile (viewer profile) or the external user profile (national preference), the CPU, 66, and associated memory, 68, inherently stores and controls the selected profile, Col 4 lines 50-53).

Regarding Claims 6 and 26, Lawler further discloses profile processing means and corresponding method does not update contents of the external user profile (Col 1 lines 61-63, Col 2 lines 3-9, only internal user profile is tracked and updated).

Regarding Claims 7 and 27, Lawler further discloses an apparatus and corresponding method comprising:

Setting means (FIG.5 126, Col 7 lines 40-43) for setting a user; and  
Control means (FIG.2 66, 68) for controlling said selection means to select the internal user profile when a predetermined user is set by said setting means and select the external user profile when a user except the predetermined user is set (Col 7 lines 37-50, National Preference, the external user profile, is not selected by predetermined user).

Regarding Claims 8 and 28, Lawler further discloses an apparatus and corresponding method comprising:

A user profile storing unit (FIG.2 66,68) for storing an internal user profile of the predetermined user, and wherein said selection means selectively outputs the external user profile and the internal user profile stored in said user profile storing unit (Col 6 lines 11-15. CPU and associated memory inherently stores and controls the EPG, FIG.3B 80, which includes internal user profile (personal preference) and external user profile (national preference)).

Regarding Claims 13 and 33, Lawler discloses an information processing apparatus (FIG.2 20) and corresponding method for processing information based on a user profile, comprising:

Profile processing means (Col 2 lines 10-11, 15-19) for generating an internal user profile based on a processing operation of said information processing apparatus;

Profile inputting means (FIG.2 62c) for inputting an external user profile from outside of said information processing apparatus (FIG.3B, National Preference is the external user profile and is input from central node, FIG.1 10 via network interface FIG.2 62c);

Selection means (FIG.4 89, FIG.3B 80, Col 4 lines 50-53) for selectively outputting the internal user profile processed by said profile processing means and the external user profile input from said external interface means; and

Information processing means (FIG.2 66, 68, FIG.1 202a) for processing information based on the internal user profile or the external user profile, output from said selection means (Col 4 lines 50-53. Indicates listing titles according to the related profile).

Regarding Claim 14, Lawler further discloses said information processing means (FIG.2 66, 68, FIG.1 202a) selects the information based on the internal user profile or the external user profile, output from said selection means (Col 4 lines 22-25).

Regarding Claim 15, Lawler further discloses said information processing means searches the information based on the internal user profile or the external user profile, output from said selection means (Col 4 lines 50-53. Indicates listing titles according to the related profile).

Regarding Claim 16, Lawler further discloses said information processing means compares the internal user profile or the external user profile output from said selection means with the information (FIG.6 142, 144, 146, Col 8 lines 45-50).

Regarding Claim 17, Lawler further discloses an information processing apparatus comprising receiving means (FIG.2, 62) for receiving information transmitted from outside of said apparatus,

Wherein said information processing means (FIG.2, 66) processes the information received by said receiving means based on the internal user profile or the external user profile, output from said selection means (FIG.2 66, 72, 74, 70, FIG.4 89, Col 4 lines 17-34).

Regarding Claim 18, Lawler further discloses an information processing means includes: Storing means for storing the internal user profile and the external user profile, output from said selection unit; and Control means for controlling to write or read out the internal user profile and the external user profile to/from said storing means (when the user selects the internal user profile (viewer profile) or the external user profile (national preference), the CPU, 66, and associated memory, 68, inherently stores and controls the selected profile, Col 4 lines 50-53).

Regarding Claim21, Lawler further discloses an information processing apparatus comprising storage means (FIG.2 68) for storing information, and wherein said information processing means processes the information stored in said storage means (Col 6 lines 11-14, EPG is stored in memory 68 and is processed by CPU 66 in FIG.2).

Regarding Claim34, Lawler discloses a storing medium (FIG.1 202a, FIG.2 68, Col 3 lines 48-52, Application program is stored in the application server and terminal memory) which stores program to carry out the method mentioned in any one of claims 22 to 33 by using a computer.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4,19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) as applied to claims 1-3, 6-12, 13-18, 21-23, 26-34 above, and further in view of Bedard (US 5,801,747).

Regarding Claims 4, 19 and 24 Lawler does teach searching means having a first mode for storing the internal user profile selected by said selection means in said storing means and performing search based on the internal user profile stored in said storing means (FIG.2, 66 CPU and 68 associated memory systems inherently stores and controls the viewer profile, internal user profile) and a second mode for storing the external user profile selected by said selection means in said storing means and performing search based on the external user profile stored in said storing means (when national viewer is selected, external user profile is stored and controlled). Lawler does not teach control means to control said storing means to delete the external user profile stored in said storing means in a predetermined time after storing the external user profile selected by said selection means in the second mode.

In an analogous art, Bedard does teach said control means (Col 6 lines 6-8) controls said storing means to delete the external user profile stored in said storing means in a predetermined time after storing the external user profile selected by said selection means in the second mode.

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler with control means controls said storing

Art Unit: 2623

means to delete the external user profile stored in said storing means in a predetermined time after storing the external user profile selected by said selection means in the second mode taught by Bedard (Col 6 lines 6-8) as a standard and natural way to save the storage space for later use.

7. Claims 5,20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) as applied to claims 1-3, 6-12, 13-18, 21-23, 26-34 above, and further in view of Perkins (US 7,072,888 B1).

Regarding Claims 5, 20 and 25 Lawler does teach searching means having a first mode for storing the internal user profile selected by said selection means in said storing means and performing search based on the internal user profile stored in said storing means (FIG.2, 66 CPU and 68 associated memory systems inherently stores and controls the viewer profile, internal user profile) and a second mode for storing the external user profile selected by said selection means in said storing means and performing search based on the external user profile stored in said storing means (when national viewer is selected, external user profile is stored and controlled). Lawler does not teach control means to control said storing means to delete the external user profile stored in said storing means in response to completion of the searching by searching means in the second mode.

In an analogous art, Perkins does teach said control means (Col 13 lines 29-31) controls said storing means to delete the external user profile stored in said storing means in response to completion of the searching by searching means in the second mode.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler with control means controls said storing means to delete the external user profile stored in said storing means in response to completion of the searching by searching means in the second mode taught by Perkins (Col 13 lines 29-31) as a standard and natural way to save the storage space for later use.

Art Unit: 2623

8. Claims 9-10 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) as applied to claims 1-3, 6-12, 13-18, 21-23, 26-34 above, and further in view of Ellis et al (US 2003/0149988 A1).

Regarding Claims 9 and 29, Lawler does teach all the apparatus limitations in Claim 1 and corresponding method in Claims 22 and 23. Lawler does not teach an apparatus comprising storage means for storing the television broadcasting signals received by said receiving means, and wherein said storage means stores program data selected based on the search result of said searching means.

In an analogous art, Ellis does teach an apparatus comprising storage means (FIG.7, 31) for storing the television broadcasting signals received by said receiving means, and wherein said storage means stores program data selected based on the search result of said searching means (Paragraph 101, lines 1-3).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler with an apparatus comprising storage means for storing the television broadcasting signals received by said receiving means, and wherein said storage means stores program data selected based on the search result of said searching means taught by Ellis (Paragraph 101, lines 1-3) as a common practice to save the favorite programs for later watching.

Regarding Claims 10 and 30, Ellis further discloses searching means (FIG.18b) additionally searches programs among the data stored in said storage means (Paragraph 145, lines 8-12).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler with searching means (FIG.18b) additionally searches programs among the data stored in said storage means taught by Ellis (Paragraph 145, lines 8-12) as a common practice to playback the favorite programs.

Art Unit: 2623

9. Claims 11-12, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) in view of Belmont (US 5,819,156).

Regarding Claims 11-12 and 31-32, Lawler does disclose all the limitations in Claim 1 and corresponding method in Claim 22. Lawler does not disclose instructing means for instructing whether or not to update contents of the external user profile on the basis of the manipulating history, wherein said profile processing means additionally updates contents of the external user profile based on the manipulating history according to the profile updating instruction of said instructing means, wherein the external interface means additionally outputs the external user profile having contents updated said profile processing means outside of said apparatus.

In an analogous art, Belmont does disclose instructing means for instructing whether or not to update contents of the external user profile on the basis of the manipulating history, wherein said profile processing means additionally updates contents of the external user profile based on the manipulating history according to the profile updating instruction of said instructing means, wherein the external interface means additionally outputs the external user profile having contents updated said profile processing means outside of said apparatus (Col 3 lines 56-60, Col 4 lines 44-53).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler with instructing means for instructing whether or not to update contents of the external user profile on the basis of the manipulating history, wherein said profile processing means additionally updates contents of the external user profile based on the manipulating history according to the profile updating instruction of said instructing means, wherein the external interface means additionally outputs the external user profile having contents updated said profile processing means outside of said apparatus taught by Belmont as a convenient and economical way to collect user's survey or rating nationally.

Art Unit: 2623

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner



Chris Grant  
Supervisory Patent Examiner



CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600